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Permanent Forum on Indigenous Issues
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Comprehensive dialogue with United Nations agencies and funds

Recommendations of the Permanent Forum

Comprehensive dialogue with the World Intellectual Property Organization

1. The Permanent Forum on Indigenous Issues held an in-depth dialogue with the World Intellectual Property Organization (WIPO) on 10 May 2012. The Forum welcomed the participation of WIPO and expressed appreciation for its report on activities in support of indigenous peoples (E/C.19/2012/5).

2. The Permanent Forum commends the work of WIPO, as there are many areas of work that have a strong focus for indigenous peoples, in particular the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. The Forum also notes that there are initiatives that enable indigenous peoples to participate in the work of WIPO, such as the Voluntary Fund for Accredited Indigenous and Local Communities, which facilitates the attendance of indigenous people at meetings, the Indigenous Intellectual Property Law Fellowship Programme and capacity-building workshops.

3. The Permanent Forum commends WIPO for the establishment of the Voluntary Fund for Accredited and Indigenous Local Communities, and urges Member States and public and private entities to contribute to the Fund to ensure its operation beyond the twenty-second session of the Intergovernmental Committee in accordance with States' commitment to article 41 of the United Nations Declaration on the Rights of Indigenous Peoples.

4. The Permanent Forum recommends that WIPO seek the participation of experts on international human rights law specifically concerning indigenous peoples so that they provide input into the substantive consultation process, in particular with reference to the language in the draft text where indigenous peoples are "beneficiaries" and other language that refers to indigenous peoples as "communities", as well as the general alignment of the draft text of the Intergovernmental Committee with international human rights norms and principles.

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5. The Permanent Forum demands that WIPO recognize and respect the applicability and relevance of the United Nations Declaration on the Rights of Indigenous Peoples as a significant international human rights instrument that must inform the Intergovernmental Committee process and the overall work of WIPO. The minimum standards reflected in the Declaration must either be exceeded or directly incorporated into any and all WIPO instruments that directly or indirectly impact the human rights of indigenous peoples.

6. The Permanent Forum appoints Kanyinke Sena, a member of the Forum, to undertake a study to examine challenges in the African region to protecting traditional knowledge, genetic resources and folklore, and to report thereon to the Forum in 2014.

7. The Permanent Forum welcomes the decision of the Intergovernmental Committee to organize, in cooperation with the Forum, expert preparatory meetings on the Intergovernmental Committee process for indigenous peoples representing the seven geopolitical regions recognized by the Forum.

8. The Permanent Forum requests that WIPO commission a technical review, to be conducted by an indigenous expert, focusing on the draft texts concerning traditional knowledge, genetic resources and traditional cultural expressions, and to provide comments thereon to the Intergovernmental Committee through the Forum. The review should be undertaken within the framework of indigenous human rights.

9. The Permanent Forum calls upon States to organize regional and national consultations to enable indigenous peoples to prepare for and participate effectively in sessions of the Intergovernmental Committee.

10. Consistent with article 18 of the United Nations Declaration on the Rights of Indigenous Peoples, the Permanent Forum requests Member States to explore and establish modalities to ensure the equal, full and direct participation of indigenous peoples in all negotiations of the Intergovernmental Committee.

11. As highlighted in article 31 of the Declaration, the Permanent Forum requests that both WIPO and States take effective measures and to establish mechanisms to recognize the right of indigenous peoples to protect their intellectual property, including their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games, and visual and performing arts.

12. The Permanent Forum calls upon WIPO to strengthen its efforts to reach out to indigenous peoples and to continue to provide practical assistance and capacity-strengthening for and in cooperation with indigenous peoples

13. The Permanent Forum calls upon the Intergovernmental Committee to appoint representatives of indigenous peoples as members of any Friends of the Chair groups and as co-chairs of any working groups and drafting groups that may be established by the Committee. It also calls upon the Committee to appoint an indigenous person as a co-chair of the Committee as a whole.